

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JACQUELINE BEEBE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

V&J NATIONAL ENTERPRISES, LLC, et al.,

Defendants.

AMENDED SCHEDULING ORDER

17-CV-6075W

Pursuant to the Court's March 4, 2019 Order (Docket # 182) and the parties have conferred and submitted a proposed amended schedule for the Court's consideration, and this Court having considered the parties' submission, and good cause having been shown, it is hereby ORDERED, that:

1. All depositions currently noticed by plaintiff – i.e., the deposition of Valarie Daniels-Carter, David Boose, Calvin Scott, and John Daniels - shall be completed by **April 10, 2019**, with dates and locations mutually-agreed to by the parties.
2. All motions to join other parties and to amend the pleadings shall be filed on or before **May 10, 2019**. Any third party action shall be commenced on or before **May 10, 2019**.
3. The deadline for the filing of plaintiff's anticipated Motion for Class Certification of the New York Labor Law Claim under Fed. R. Civ. P. 23 shall be set for **July 8, 2019**.

4. A status conference will be held with the undersigned at 2310 U.S. Courthouse, Rochester, New York on **December 10, 2019, at 10:40 a.m.**, to discuss the status of the case and the possibility of settlement.

5. All factual discovery in this case, including depositions, shall be completed within **forty-five (45) days after the Court's decision on Plaintiff's Motion for Class Certification of the New York Labor Law Claim.** All motions to compel discovery shall be filed at least thirty (30) days prior to the factual discovery cutoff.

6. Parties shall identify any expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) **within fourteen (14) days after the close of fact discovery.** Parties shall complete all discovery relating to experts, including depositions, **within thirty (30) days after the deadline for the disclosure of all expert reports.**

7. Dispositive motions, if any, shall be filed no later than **thirty (30) days after the deadline for the completion of expert discovery.** Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Wolford.

8. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties

disagree as to the information to be provided, the report must set forth their different responses.

The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a

letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Marian W. Payson", is positioned above a horizontal line.

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
March 21, 2019